

Assembly Bill No. 1916

CHAPTER 141

An act to add Section 5080.36.2 to the Public Resources Code, relating to state parks, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 2012. Filed with
Secretary of State July 17, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1916, Buchanan. State parks: operating agreements: Mount Diablo State Park.

Existing law vests with the Department of Parks and Recreation control of the state park system. Existing law authorizes the department to enter into an agreement with an agency of the United States, including a city, county, district, or other public agency, or any combination thereof, for the care, maintenance, administration, and control of lands of the state park system.

This bill would authorize the department to enter into a restoration agreement with Save Mount Diablo, a nonprofit organization, for the purpose of restoring the beacon on top of the Summit Building in Mount Diablo State Park, and would require that the agreement comply with specified requirements.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Mount Diablo State Park.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The California state park system was created for the purposes of preserving outstanding natural, scenic, and cultural values, including the historic significance of units of the state park system.

(b) Mount Diablo State Park is one of the oldest parks in the state park system. The park was created by legislation and dedicated in 1921, and rededicated again in 1931, at the time the park's first parcels of land were acquired.

(c) The annual budget for the state park system, as a whole, has been inadequate to maintain the existing units of the system, and the ongoing shortfall has caused a backlog of deferred maintenance at the parks.

(d) The "Eye of Diablo" Beacon sits atop Mount Diablo. It was originally installed in 1928 by Standard Oil of California on a steel tower,

approximately 75 feet west of its current location. The “Eye of Diablo” Beacon was originally intended to serve as an aid to aerial navigation. Using a remote switch from Denver, Colorado, Colonel Charles Lindbergh simultaneously lit the “Eye of Diablo” Beacon and a similar beacon located near Los Angeles on October 14, 1928.

(e) The Visitor’s Center Building at Mount Diablo State Park was constructed from 1939 to 1942, inclusive, by the Diablo Conservation Corps, a part of the Civilian Conservation Corps. The building was designed specifically to accommodate the beacon atop the tower of the building, and the beacon was relocated to that location. The beacon was turned off on December 8, 1941, on the day after the attack on Pearl Harbor, in observance of the West Coast blackout and in recognition of the fear of Japan’s attack on the United States coast. In 1964, a group of local engineers restored the beacon to operating condition, and on December 7, 1964, Admiral Chester W. Nimitz pressed the switch to relight the beacon to commemorate the survivors of the bombing of Pearl Harbor. The beacon is only lighted on December 7th (Pearl Harbor Day) for this purpose.

(f) In 1971, Save Mount Diablo (SMD) was incorporated as a nonprofit 501(c) organization, dedicated to preserving Mount Diablo’s peaks, and the surrounding foothills and watersheds, through land acquisition and preservation strategies designed to protect the mountain’s natural beauty, biological diversity, and historic and agricultural heritage, to enhance the area’s quality of life, and to provide recreational opportunities consistent with protection of natural resources.

(g) Save Mount Diablo is a cosponsor for the annual lighting of the beacon each Pearl Harbor Day.

(h) The annual lighting of the Mount Diablo Beacon is an important reminder of a significant time in our history, and should be restored and kept operational.

SEC. 2. Section 5080.36.2 is added to the Public Resources Code, to read:

5080.36.2. (a) Notwithstanding any other provision of this article, the department may enter into a restoration agreement with Save Mount Diablo, a nonprofit organization, for the purpose of restoring the Mount Diablo Beacon on top of the Summit Building in Mount Diablo State Park. The agreement shall include, but is not limited to, all of the following:

(1) A requirement that the restoration agreement shall follow the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties guidelines and the guidelines set forth by the American Institute for Conservation of Historic and Artistic Works.

(2) A requirement that the restoration agreement shall also comply with any applicable code of ethics or guidelines for practice governing the rehabilitation and preservation of historical sites and buildings. All plans for the work, the work in process, and the finished work shall be audited by a conservator company pursuant to a contract with the company.

(3) All costs of the restoration of the Mount Diablo Beacon shall be incurred under the authority of, and be the responsibility of, Save Mount Diablo.

(b) The restoration agreement that the department is authorized to enter into with Save Mount Diablo pursuant to subdivision (a) is intended to cover restoration work performed primarily by volunteers. However, nothing in this section shall preclude Save Mount Diablo from contracting for work performed by an individual or entity on a paid or for-profit basis.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances involving the beacon at Mount Diablo State Park.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

The beacon atop Mount Diablo is in a state of complete disrepair and is inoperable. The beacon needs to be repaired prior to December 7, 2012, in order to host the annual Pearl Harbor Memorial ceremony. The beacon has been lit every year on December 7 since 1964. This will be the first year that the ceremony won't be able to take place because the beacon is inoperable. The Pearl Harbor survivors are elderly and for many of them this may be the last year that they will be alive to commemorate their fallen peers.